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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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cost over \$300,000 each to produce while generating very little incremental revenue for the company. Dispatch was willing to incur these costs and to promote the availability of HDTV in its local markets because it believes that the transition to digital is vital to the future of this country's free, over-the-air television broadcast industry.

While Dispatch is unalterably and fully committed to making the DTV transition a success, Dispatch submits that the Commission erred by acting prematurely in two important respects in the Report & Order it recently issued. First, Dispatch urges the Commission to reconsider its decision to require broadcasters with both DTV and NTSC stations inside the so-called television core channels to elect their permanent DTV channels by December 31, 2003. While understanding the Commission's interest in facilitating the DTV transition, Dispatch submits that requiring broadcasters to choose their ultimate permanent DTV channel at this stage of the transition of DTV.

Specifically, Dispatch submits that the establishment of a permanent DTV channel selection deadline without announcing the manner in which several important underlying parameters will be decided -- parameters such as the determination of a DTV station's power if it selects its NTSC channel and the methods to resolve excess interference caused or received if DTV operations are moved to an NTSC channel -- places broadcasters in an untenable position. Without a clear understanding of how these underlying parameters will be decided, Dispatch submits that no broadcaster can make a fully-informed permanent DTV channel election.

Moreover, Dispatch submits that the Commission's stated intention to provide these details at a later date does not solve this problem. Despite the best of intentions, the

Commission's pace in identifying and resolving DTV policy issues has been understandably slow. Dispatch recognizes that the transition to DTV presents a number of complex and difficult technical and policy decisions for the Commission. Given these realities, however, Dispatch urges the Commission to reconsider the permanent DTV channel election date until it has also issued for comment and then decided the procedures it will follow to determine all the crucial underlying parameters that will invariably inform and influence these permanent DTV channel decisions.

Second, Dispatch urges the Commission to reconsider its decision to terminate protection of a DTV station's replicated NTSC service area after December 31, 2004. As noted above, Dispatch has been an early and willing adopter of DTV in its markets. Notwithstanding its expenditures of over \$12 million, the stations it has constructed are not the full facilities it was awarded in the DTV table or that it ultimately intends to construct and operate.

Unfortunately, to construct these fully maximized facilities, Dispatch will need to undertake major modifications and to its antenna structures as well as the related transmission lines. This work will also require technical sophistication as several stacked antennas to serve co-located television station tenants will also be needed. Given finite capacity of antenna and transmitter manufacturers and the extremely short supply of qualified riggers, Dispatch has serious doubts that it will be able to complete construction of its fully maximized facilities by December 31, 2004.

More importantly, Dispatch will not soon be in a position to decide whether to spend the estimated \$2 million to complete this DTV maximization work. At this stage in the DTV transition, Dispatch submits that no reliable studies exist and the industry has insufficient

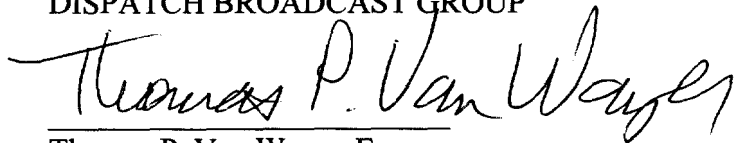
practical experience to determine if UHF or VHF channels are optimal for digital operations. Until such time as more reliable and conclusive information is made available and accepted by the industry based on real world experience with DTV transmission and reception, Dispatch submits it is entirely premature for the Commission to adopt a permanent DTV channel selection deadline or terminate the protection of a DTV station's replicated NTSC service area.

Given these circumstances, Dispatch urges the Commission to postpone the dates for these required decisions until after May 1, 2002 when both the FCC and the industry have more real world experience with DTV transmission and reception. Dispatch submits that only after the FCC and the industry have more real world experience can broadcasters be in a position to make truly informed decisions on an optimal permanent DTV channel. At this same point, the Commission will also be in a better position to determine realistically how much additional time is needed to permit all ready, willing and able stations to complete construction of their fully-maximized DTV facilities.

For these reasons, Dispatch respectfully urges the Commission to reconsider these two portions of the Report & Order recently released in this proceeding. By so doing, Dispatch submits that the FCC will ensure that the maximum number of persons will be served after the transition.

Respectfully submitted,

DISPATCH BROADCAST GROUP

A handwritten signature in black ink, reading "Thomas P. Van Wazer". The signature is written in a cursive style with a horizontal line underneath the name.

Thomas P. Van Wazer, Esq.

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